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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE COMPANIES

PART 731
WHOLESALE SERVICE QUALITY
TELECOMMUNICATIONS CARRIERS

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AUTHORITY: Implementing Section 13-712(g) of the Public Utilities Act [220 ILCS 5/13-712(g)]

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SUBPART A: GENERAL

Section 731.100 Purpose and Application of Part

This Part governs carrier to carrier wholesale service quality standards and remedies, and establishes guidelines for the development and submittal of wholesale service quality plans for Level 1 Carriers (as defined below), in accordance with (see, Section 13-712(g) of the Public Utilities Act (the "Act") (220 ILCS 5/13-712(g)). Unless otherwise indicated, the provisions of this Part are applicable to all providers of carrier to carrier wholesale service subject to the classifications of carriers established in Section 731.110 and to the extent that they are providing services covered by this Part.

Section 730~~1~~.105 Definitions

"Billing" means the processes and systems used to prepare and provide bills to carriers for services ordered and rendered by the providing carrier. Also includes functions required to investigate and dispute bills by the carrier receiving the bill.

"Business Day" means Monday through Friday, excluding weekends and published holidays, as observed by the providing carrier.

"Carrier" means any firm providing telecommunications services.

"Carrier to carrier wholesale service quality" addresses the quality of telecommunications services that one telecommunications carrier sells ~~or provides~~ to another telecommunications carrier for use in providing service to end users.

"Change Management" means the series of processes and procedures negotiated between two or more parties which detail the guidelines by which operation support system (OSS) changes are requested, made and notice provided to the users of the OSS.

"Collocation" means the manner in which a ~~competitive~~ local exchange carrier ("CLEC") can locate its ~~switches~~ network equipment within an other ~~incumbent~~ local exchange carriers ("~~L~~LEC") central office.

"Commission" means the Illinois Commerce Commission.

"Emergency situation" means a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation shall begin with the first end user whose service is interrupted by the single event and shall end with the restoration or installation of the service of all affected end users. The term "single event" shall include:

a declaration made by the applicable State or federal governmental

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agency that the area served by the local exchange carrier is either a State or federal disaster area; or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier, or the first 7 calendar days of a strike or other work stoppage; or

a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term “emergency situation” shall not include:

a single event caused by high temperature conditions alone; or

a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors or by the condition of facilities, equipment, or premises owned or operated by the local exchange carrier; or

any service interruption that occurs during a single event listed above, but are not caused by those single events; or

a single event that the local exchange carrier could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a local exchange carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

“Firm Order Commitment” or “FOC” means the method by which a carrier notifies a purchasing carrier indicating the date when the circuit(s) ordered by the ~~the~~ purchasing carrier will be installed.

“High Frequency Portion of the Loop” or “HFPL” means the frequency range above the voiceband on a copper loop facility that is being used to carry analog circuit-switched voiceband transmissions. Access to the HFPL is commonly called line sharing.

“Interconnection Trunks” means ~~any trunk associated with an interconnection agreement or a trunk purchased through a tariff~~ a network facility used to interconnect two switches of different local exchange carriers.

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“Local Exchange Carrier” or “LEC” means a telecommunications carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same MSA.

“Local Loop” means a transmission facility between a distribution frame (or its equivalent) in an incumbent carrier’s central office and the loop demarcation point at an end-user customer premises. the physical connection from the subscriber’s premise to the carrier’s point of presence. Local loop includes HFPL.

“Maintenance and repair” means the functions to create trouble reports, view status history, receive proactive status report, and clear and close trouble reports.

“Measure” means the wholesale activity subject to this Code Part.

“Operational Support Systems” or “OSS” means the various systems, business processes and personnel used by a company to conduct business with their customer. Typically OSS covers pre-ordering, ordering, provisioning, maintenance and repair and billing functions.

“Ordering” means the sequence of steps involved in placing an order with a carrier.

“Out of service” means that, after reporting an out of service condition to the carrier, the customer still has no dial tone, cannot be called, or cannot call out. This defined term excludes call blocking or any other intentional alteration to an end user’s calling or call receiving ability.

“Pre-ordering” means the exchange of specific information (usually an inquiry and response process) between two companies for the purpose of gathering the appropriate information before submitting a request or order.

“Provision” means to supply telecommunications service to a user.

“Provisioning” means the functions used to manage and monitor an order during the period between the order placement and order completion. These functions should also allow the party placing the order to keep track of the status of order.

“Reject Notice” means a method by which a carrier notifies a requesting carrier that a service request or order is rejected.

“Remedy” means a payment or credit from a carrier to another carrier or the State of Illinois for failure to provide wholesale services at prescribed levels amounts per Section 731.315 for Level 1 carriers and Section 731.510 for Level 2 carriers.

“Resold Local Services” means the sale, for purposes of resale, of a complete telecommunications path (i.e., switch, port, and loop) and associated support (e.g., 911, OS/DA) by a facilities based LEC-carrier to another LEC-carrier.

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“Rural Exemption” means the exemption from Section 251(c) of the Telecommunications Act granted to rural telecommunications telephone companies under Section 251(f) of the Telecommunications Act.

“Special Access” means a dedicated non-switched transmission path used for carrier to carrier service. A non-switched transmission path may include but not be limited to DS1, DS3 and Ocn facilities as well as links for SS7 signaling, database queries, and SONET ring access.

“Standard” means the rate at which a measure is to be provided.

“Unbundled Local Loop” means the physical connection from the subscriber’s premise to the carrier’s point of presence, excluding switching or ports, purchased by a carrier from another carrier.

“Telecommunications Act” means the Telecommunications Act of 1934 as Amended by the Telecommunications Act of 1996.

“Wholesale Services” means any telecommunications service that one telecommunications carrier sells ~~or provides~~ to another telecommunications carrier for use in providing service to end users.

“Wholesale Service Quality Plan” means a plan incorporating the measures and associated remedies developed as a result of this rule.

Section 730~~1~~.110 Classifications of Carriers

a) Level 1 Carriers - - For purposes of this Rule, the following carriers shall be Level 1 Carriers:

1. LECs in the State of Illinois that provide wholesale service and have already developed a wholesale service quality plan as a result of a previous Commission proceeding.
2. LEC’s in the State of Illinois that are directed pursuant to a Commission order to comply with all of the requirements of Subparts B, C, and D pursuant to Section 731.535.

b) Level 2 Carriers ~~---~~ For purposes of this Rule, the following carriers shall be Level 2 carriers:

- 1. LECs in the State of Illinois that provide wholesale service, that do not have a wholesale service quality plan approved by the Illinois Commerce Commission, that have not been directed pursuant to a Commission order to

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comply with all of the requirements of Subparts B, C, and D pursuant to Section 731.535, and that do not have a rural exemption.

- c) Level 3 Carriers - For purposes of this Rule, LECs with a rural exemption shall be Level 3 carriers.

Section 731.120 Applicability of Subparts B, C, and D

The provisions of Subparts B, C, and D are applicable to all Level 1 Carriers.

Section 731.130 Applicability of Subpart E

The provisions of Subpart E are applicable to all Level 2 Carriers.

Section 731.140 Application of Subpart F

The provisions of Subpart F are applicable to all Level 3 Carriers.

SUBPART B: PROCEDURE FOR LEVEL 1 CARRIERS

Section 731.200 Filing of Plans

- (a) On April 1, 2003, and every two years thereafter, every Level 1 carrier shall file with the Commission for review and approval its wholesale service quality plan as specified in Subparts B, C, and D of this Part.
- (b) Any carrier designated by the Commission as a Level 1 carrier pursuant to Sections 731.110 and 731.535 shall file its initial wholesale service quality plan within ninety (90) days of its designation as a Level 1 carrier by the Commission, and, after one year from the filing of its initial wholesale service quality plan, shall file all subsequent wholesale service quality plans pursuant to paragraph (a) of this Section.
- (c) To the extent the Commission determines that a Level 1 carrier's wholesale service quality plan should be revisited for any reason prior to the end of a biennial period, the Commission may initiate a proceeding to update or amend the previously approved wholesale service quality plan. Additionally, if a Level 1 carrier or another carrier seeks modification to the approved plan on an interim basis, they may file a petition originating a proceeding at any time.

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Section 731.21~~50~~ Review of Plans

For each filed wholesale service quality plan, unless otherwise ordered by the Administrative Law Judge or the Commission, the Commission shall initiate a proceeding and schedule a prehearing conference (see 83 Ill. Adm. Code 200.300) to occur no more than 21 days after the filing date specified in Section 731.200. The purpose of the proceeding shall be to determine the adequacy and appropriateness of each plan with respect to the requirements of the Act and this Part, and to adopt a wholesale service quality plan for the filing carrier. The carrier filing the plan shall be a party to the proceeding. Other parties may intervene, pursuant to the Commission's Rules of Practice. The proceeding will be scheduled, unless otherwise ordered by the Administrative Law Judge or the Commission, so that a Proposed Order is presented to the Commission by the Administrative Law Judge no later than 3 months after the date of the carrier's filing as specified in Section 731.200. The Commission will adopt a carrier's plan if it complies with the requirements of Subparts B, C and D of this Rule. If no party objects to the Level 1 carrier's filed wholesale service quality plan, the Illinois Commerce Commission may approve the wholesale service quality plan without hearing.

Section 731.220 Filing of Testimony

Each carrier subject to this Subpart shall, on the date specified in Section 731.200 for the filing of a wholesale service quality plan, file all testimony in support of its plan with the Commission. At a minimum, this testimony shall address and/or include the following:

- (a) The carrier's wholesale service quality record over the last two years, including a summary of performance and of any penalty payments over that time period.
- (b) All changes to the carrier's wholesale service quality plan most recently adopted by the Commission, and the basis for all such changes relied upon by the carrier.
- (c) The extent to which the carrier's wholesale service quality plan has successfully facilitated a competitive telecommunications market.
- (d) Compliance of the carrier's wholesale service quality plan with the requirements of Subpart C of this Part.
- (e) The compliance of the carrier's wholesale service quality plan with the criteria for review described in Subpart D of this Part.

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- (f) A listing of proposed changes to the carrier's existing wholesale service quality plan.
- (g) Probable impact of proposed changes to the carrier's existing wholesale service quality plan.
- (h) Any support for the impact of proposed changes.

SUBPART C: PLAN REQUIREMENTS FOR LEVEL 1 CARRIERS

Section 731.300 General Plan Requirements

Each wholesale service quality plan shall include, at a minimum, the following components.

- (a) A comprehensive set of wholesale measures and standards covering all necessary parts of a carrier's interaction with their wholesale customers. These measures and standards should include, but not be limited to, the following activities; pre-ordering, ordering; provisioning, maintenance and repair, billing and change management. See section 731.305
- (b) Fully defined business rules on a per measure basis that are sufficient to describe what is being reported by the measure. Business rules shall include an applicable title, detailed definition, any exclusions, applicable standards or benchmarks, levels of disaggregation, and the specific calculation methodology used by the carrier. See section 731.310.
- (c) A self-executing remedy plan deemed sufficient to modify a Level 1 carrier's actions in the event of noncompliance with the standards contained therein. See section 731.315.
- (d) Established benchmarks and standards on a per measure basis to provide a clear indication of the minimum performance level the carrier intends to provide. See section 731.310.
- (e) Reporting policies and procedures so that all parties understand exactly when and how the Level 1 carrier will report data. See section 731.320. These policies and procedures should also cover data and remedy restatements in addition to the regular monthly reporting of carrier performance.
- (f) A review process scheduled at regular intervals by which parties may propose changes to the wholesale service quality plans as changes occur in the industry. See section 731.210.

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- (g) Audits scheduled at regular intervals to ensure that the data reported by the carrier is valid, reliable and adheres to the published business rules. See section 731.325. The carrier must also retain the original source data necessary for regular audits to be conducted for a time period of three years. Regular audits should validate both the measure data being reported as well as the remedy calculations.

Section 731.305 Services Covered

The services to be covered for Level 1 carriers shall include, but not be limited to, those services covered in such carriers' previously approved wholesale service quality plans or wholesale service quality plans that such carriers have been directed to develop by the Illinois Commerce Commission, and may include special access services. The Commission may, for good cause shown, include wholesale services not yet provided by the carrier (including but not limited to emerging services) or exclude specific wholesale services in adopting each carrier's wholesale service quality plan.

The standards set forth in this section do not apply in the event of an emergency situation.

Section 731.310 Measures and Standards

Each wholesale service quality plan shall include measures and standards consistent with the requirements of Section 731.300(a). The specific measures and standards included in each wholesale service quality plan shall be as determined by the Commission. No measures or standards may be added, modified, or deleted from the Level 1 carrier's previously approved wholesale service quality plan without the prior review and approval of the Illinois Commerce Commission.

Section 731.315 Remedies

Each wholesale service quality plan shall include a self executing remedy plan consistent with the requirements of Section 731.300(c). The specific remedy plan provisions included in each wholesale service quality plan shall be as determined by the Commission. The Remedy plan filed by a Level 1 carrier shall be consistent with the remedy plan most recently adopted or ordered by the Illinois Commerce Commission. No changes may be made to the remedy plan without the prior review and approval of the Illinois Commerce Commission. The Remedy plan shall allow for payments to be made to carriers when the providing carrier does not meet their published benchmarks or standards.

Section 731.2320 Reporting

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Once approved by the Illinois Commerce Commission, the existing wholesale service quality plan for Level 1 carriers shall be posted to both the Commission's web site and the Level 1 carrier's web site.

Performance relative to the Level 1 carrier's wholesale service quality plan shall also be posted to the Level 1 carrier's web site and reported made available to the Illinois Commerce Commission and other carriers on a monthly basis. The Illinois Commerce Commission shall be provided with have available both aggregate and individual carrier CLEG performance information, while other carriers CLEGs shall have access to the aggregate data and receive their own performance data.

Additionally, the following information shall be reported monthly to the Illinois Commerce Commission reported monthly by Level 1 carrier's ~~shall include~~:

- a) The total dollar amount of wholesale service quality credits and payments provided.
- b) The five highest dollar credit and payment amounts on a per measure, ~~per carrier~~ basis.
- c) Any credit and payment amounts under protest by carrier's purchasing service from the Level 1 carrier.
- d) Any data or remedy restatements made by the company during the past month.

Each Level 1 Carrier shall also report monthly data to carriers purchasing wholesale services. At a minimum, the monthly data shall include the total number of transactions on a per measure basis, the number of instances in which standards contained in the Level 1 carrier's wholesale service quality plan were not met on a per measure basis, and calculations supporting any remedies paid to carriers purchasing wholesale services from the Level 1 carrier.

Each carrier wholesale service quality plan shall indicate the process it will follow each month for reporting including the date performance data and remedy amounts will be made available. The reporting process shall also include the timelines and procedures the carrier will follow when making data and or remedy restatements.

Section 731.2325 Auditing

Each wholesale service quality plan adopted by the Illinois Commerce Commission shall comply with the requirements of Section 731.300(g), provide for periodic audits of the wholesale performance data by a firm independent of the Level 1 carrier, include the frequency and scope of the required audits, and indicate responsibility for payment of

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audits. Audits should be provided for both the measures being reported as well as for any remedy payments. Level 1 carriers must follow the auditing requirements set forth in their respective wholesale service quality plans.

Level 1 carriers shall retain all records required to support wholesale performance relative to this rule for at least three (3) years.

SUBPART D: COMMISSION REVIEW OF PLANS FOR LEVEL 1 CARRIERS

Section 731.400 Commission Review of Carrier Wholesale Service Plans

- a) Adoption. Following hearings on each plan filed, the Commission shall adopt a wholesale service quality plan for each carrier. The plans adopted by the Commission may be those plans as filed or as modified by the Commission.
- b) Basis for Adoption. In adopting a wholesale service quality plan for each carrier, the Commission shall address and consider each of the following:
 - 1) Whether the plan contains clearly articulated, pre-determined measures and standards, which encompass a comprehensive range of carrier-to-carrier performance.
 - 2) Whether each measure has a clearly articulated definition, or "business rule," which sets forth the manner in which the data is to be collected by the carrier, lists any relevant exclusions, and states the applicable performance standards.
 - 3) Whether the plan contains an effective mechanism that is designed to detect and sanction poor performance when it occurs on both an individual measure and aggregate basis.
 - 4) Whether the plan contains potential liability that provides a meaningful and significant incentive to comply with the designated performance standards.
 - 5) Whether liability under the plan's enforcement mechanism would actually accrue at meaningful and significant levels when performance standards are missed.
 - 6) Whether the plan contains a self-executing mechanism that does not leave the door open to litigation and appeal.

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- 7) Whether the plan contains reasonable assurances that the reported data is accurate.

SUBPART ~~CE~~: OBLIGATIONS OF LEVEL 2 CARRIERS

Section 731.~~35~~00 Services Covered

This Subpart C is applicable to Level 2 carriers to the extent the Level 2 carrier provides or offers the applicable service. Level 2 carriers shall be subject to wholesale service quality standards as provided below for the following services, to the extent the carrier offers or provides the service at the specified volume levels. Once a carrier meets the threshold requirement on an aggregate basis for a given month, then that carrier is required to report their performance for the service on a going-forward basis.

- a) Unbundled Local Loops, (threshold, 10 orders per month);
- b) Interconnection Trunks, (threshold, 5 orders per month);
- c) Resold Local Services, (threshold, 10 orders per month); and
- d) Collocation, (threshold, 2 per quarter)

The standards set forth in this Subpart E do not apply in the event of an emergency situation.

Section 731.~~35~~05 Measures and Standards

- a) Firm Order Commitments - Level 2 Carrier shall provide FOCs or reject notices for wholesale services within the following timeframes, as measured from the time of receipt of an accurate and complete service request to the return of a FOC or reject notice according to the following standards:

- 1) Unbundled Local Loops - within 24 hours
- 2) Interconnection Trunks - within 6 10 business days
- 3) Resold Local Services - within 24 hours
- 4) Collocation - within 6 10 business days

- The start time for requests received after the end of the business day will be the beginning of the next business day.

- There are two types of reject notices that may be issued by a carrier: syntax, which occur if required fields are not included in a service request; and content, which occur if invalid data is provided in a field.

- A rejected service request must be corrected and resubmitted before provisioning can begin.

- b) Provisioning - Level 2 Carriers shall provision wholesale services within the following timeframes according to the following standards, as measured from the

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time of receipt of a complete and accurate service request to completion of the requested service:

- 1) Unbundled Local Loops ___ - within ~~8~~ 5 business days
- 2) Interconnection Trunks ___ - within ~~20~~ 30 business days
- 3) Resold Local Services ___ - within 5 business days
- 4) Collocation _____ - within ~~60~~ 90 business days

- The required due date is the later of: (1) the last day of the interval set forth above; or the provisioning date requested by the wholesale customer.

- The provisioning intervals, above, will not apply if the Level 2 Carrier demonstrates that the request(s) is not technically feasible and/or that the requested facilities are not available.

- When a loop must be conditioned to remove bridge taps and load coils in order to provide a digitally capable loop or HFPL, the providing carrier must provide the conditioned (digitally capable) loop or HFPL within 8 days of receipt of an accurate and complete service request, rather than within 5 days as set forth above. However, provisioning intervals do not apply to digitally capable loops and HFPL when conditioning of the loop to meet the request would result in a significant degradation of the voiceband service that the Level 2 carrier is providing over that same loop.

- c) Maintenance and Repair - Level 2 Carriers shall clear out of service ("OOS") trouble reports within the following intervals, as measured from the time of receipt of an accurate and complete trouble report to the time the trouble report is cleared ~~provision wholesale services according to the following standards:~~

- 1) Unbundled Local Loops ___ - within ~~20~~ 24 hours
- 2) Interconnection Trunks ___ - within ~~20~~ 8 hours
- 3) Resold Local Services ___ - within ~~20~~ 24 hours
- 4) Collocation _____ - within ~~20~~ 8 hours

- All non-Out Of Service (i.e., "service affecting") trouble reports must be cleared by the end of the next business day after receipt of non-Out Of Service trouble report.

- For a trouble report to be considered complete, the wholesale customer must provide the carrier: 1) the end-user customer's telephone number, 2) the carrier's circuit identification number; 3) a detailed description of the trouble conditions and other trouble prescreening information.

- d) The standards set forth in this section do not apply if the exemptions in Part 732.30(e) apply with respect to the end user retail customer or the violation of the service quality standard occurs:

- 1) as a result of a negligent or willful act on the part of the wholesale customer;

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- 2) as result of a malfunction of equipment owned or operated by the wholesale customer;
- 3) as a result of, or is extended by, an emergency situation;
- 4) as a result of the wholesale customer missing an appointment, provided that the violation is not further extended by the carrier;
- 5) as a result of a wholesale customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;
- 6) as a result of a carrier's right to refuse service to a wholesale customer as provided in an interconnection agreement, tariff or under applicable federal or state law; or
- 7) as a result of a lack of facilities where a wholesale customer requests service at a geographically remote location, a wholesale customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the wholesale customer's request for service, subject to carrier's obligation for reasonable facilities planning and the wholesale customer's obligation for forecasting.

Section 731.~~35~~10 Remedies

If a Level 2 Carrier fails to comply with Section 731.~~35~~05 of this Part, it shall provide credits to the purchasing LEC in the following amounts:

For Firm Order Commitment and Reject Notice Failures, Level 2 Carriers provide credits as follows:

Unbundled Local Loops - ~~\$20~~ 10 per loop order, per business day
Interconnection Trunks - \$50 per trunk order, per business day
Resold Local Services - ~~\$20~~ 10 per service order, per business day
Collocation - \$50 per day over standard, per business day

For Provisioning Failures - Level 2 Carriers shall provide credits as follows:

Unbundled Local Loops - ~~\$20~~ 10 per loop, per business day
Interconnection Trunks - ~~\$50~~ 100 per trunk, per business day
Resold Local Services - ~~\$20~~ 10 per service, per business day
Collocation - ~~\$50~~ 200 per day over standard, per business day

For Maintenance and Repair Failures - Level 2 Carriers shall provide credits as follows:

Unbundled Local Loops - ~~\$20~~ 10 per loop, per day
Interconnection Trunks - \$50 per trunk, per day
Resold Local Services - \$20 per service, per day

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Collocation - \$~~50~~ 20 per hour over standard, per day

If the Illinois Commerce Commission determines that the remedy amounts contained within this section do not provide sufficient incentives for carriers to improve their performance, then the ICC may impose additional remedies.

Section 731.~~35~~15 Review

All Level 2 carriers must participate in a biennial review of ~~this~~ Subpart ~~GE~~: Obligations Of Level 2 Carriers, in which any proposed changes to ~~this~~ Subpart ~~GE~~ must be submitted to the Illinois Commerce Commission for review and approval. To the extent the Illinois Commerce Commission believes Subpart ~~GE~~ should be revisited for any reason prior to the end of a biennial period, the Illinois Commerce Commission may initiate a proceeding to update or amend the previously approved Subpart ~~GE~~. Additionally, if any carrier seeks modification to the approved Subpart ~~GE~~ on an interim basis, they may file a petition originating a proceeding at any time.

Section 731.~~35~~20 Reporting

Each Level 2 Carrier shall report monthly results on a quarterly basis to the Illinois Commerce Commission. The information reported shall include:

- a) The total dollar amount of wholesale service quality credits on a per measure basis.
- b) Any credit amounts under protest by carriers purchasing service from the Level 2 carrier.
- c) Level of performance on an aggregate basis by measure.

Each Level 2 Carrier shall also report monthly data to carriers purchasing wholesale services. At a minimum, the monthly data shall include the number of reportable transactions, the number of instances in which standards contained in Section 731.505, and calculations supporting remedies paid as a result of Section 731.510.

Each carrier shall provide a business rule document for each measure they report on a biannual basis. These business rule documents shall be sufficient to describe what is being reported by the measure. The business rules shall include an applicable title, detailed definition, any exclusions, levels of disaggregations and the specific calculation methodology used by the carrier.

Section 731.~~35~~25 Auditing

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Carriers purchasing wholesale services from a Level 2 carrier may request an independent audit of the reported results. To the extent the independent audit confirms the specific concern of the carrier purchasing wholesale services from a Level 2 carrier, as specifically identified in writing to the Level 2 carrier prior to requesting the audit, the Level 2 carrier shall be responsible for the cost of the independent auditor ~~associated with the specific concern identified in writing prior to the audit~~. If the independent auditor does not confirm the concern of the carrier purchasing wholesale services from a Level 2 carrier, the carrier purchasing wholesale services will be responsible for the cost of the independent audit. Any dispute over payment of audit costs will be resolved by the Illinois Commerce Commission. Audits of a Level 2 carrier's records shall be limited to no more than 2 per calendar year, unless otherwise authorized by the Illinois Commerce Commission.

Unless otherwise authorized by the Commission, a Level 2 carrier shall make all records required by this rule available to the Commission or its authorized representatives at any time upon request. A carrier shall make customer proprietary network information available to the Commission to the extent allowed by law. A carrier shall retain all records required by this rule for at least two three (23) years. ~~The timeliness, accuracy, and courteousness of carriers' customer service and repair bureau representatives shall be subject to periodic audit by the Commission.~~

Section 731.~~35~~30 Level 2 Carrier Exclusions

If the carrier is providing wholesale service to another carrier pursuant to an interconnection agreement, and the carriers have negotiated an amendment to the interconnection agreement after the effective date of this Code Part which expressly references this Section, the standards and requirements contained in this rule shall not apply. In the event that the carrier provides wholesale service to another carrier without an interconnection agreement or an amendment to an existing interconnection agreement, the standards and measures in these rules shall apply.

Section 731.~~35~~35 Application of Level 1 Requirements to Level 2 Carriers and Conversion to Level 1

A carrier may be required to comply with some or all of the Level 1 requirements established in Subparts BB, C, and D of this Part only after the Commission considers and rules upon the following items:

- a) The technical feasibility of compliance with each Subparts BB, C, and D requirement;
- b) The economic feasibility of compliance with each Subparts BB, C, and D requirement;

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- c) The expected demand for wholesale services covered under Subpart ~~B~~, C and D;
- d) Whether the benefits accrued to competing carriers justify the costs incurred by carrier necessary to comply each Subpart B, C, and D requirement, and;
- e) With which Subpart B, C, and D requirements that carrier must comply and by what time period.

A carrier directed pursuant to a Commission order to comply with all of the requirements of Subparts B, C, and D shall be a Level 1 carrier from and after the date of the Commission's order. A carrier directed pursuant to a Commission order to comply with some of the requirements of Subparts B, C, and D shall remain a Level 2 carrier, but must comply with such Level 1 requirements as directed by the Commission from and after the date of the Commission's order.

SUBPART ~~D~~E: PROVISIONS APPLICABLE TO LEVEL 3 CARRIERS

Section 731.~~46~~00 Exemption From Part

This Part shall not apply to LECs with a rural exemption until the Commission terminates the rural exemption pursuant to Section 251(f) of the Telecommunications Act and the Commission determines which provisions of Subpart ~~G~~E apply to carriers pursuant to Section 731.~~46~~05 of this Part.

Section 731.~~46~~05 Conversion to Level 2

A carrier whose rural exemption was terminated pursuant to Section 251(f) of the Telecommunications Act may be required to comply with some or all of the Level 2 requirements established in Subpart ~~G~~E of this Part only after the Commission considers and rules upon the following items:

- a) The technical feasibility of compliance with each Subpart ~~G~~E requirement;
- b) The economic feasibility of compliance with each Subpart ~~G~~E requirement;
- c) The expected demand for wholesale services covered under Subpart ~~G~~E;
- d) Whether the benefits accrued to competing carriers justify the costs incurred by carrier necessary to comply each Subpart ~~G~~E requirement;

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- e) With which Subpart ~~GE~~ requirements that carrier must comply and by what time period; and
- f) Whether carrier needs to comply with Subpart ~~GE~~ if carrier enters into an agreement with a competing carrier whereby the competing carrier agrees to accept different wholesale service quality standards than those contained in Subpart ~~GE~~.